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COLLEGE EMOTIONAL SUPPORT ANIMAL (ESA) REASONABLE ACCOMMODATION POLICY

Section I. Introduction and Background

Paul Smith's College ("PSC" or the "College") recognizes the importance of providing reasonable accommodations in its housing policies and practices where necessary for individuals with disabilities to use and enjoy College housing. This policy explains the specific requirements and guidelines which govern requests for reasonable accommodation in College housing. PSC reserves the right to amend this policy at any time as circumstances require.

Housing and Urban Development (HUD)/Fair Housing Administration regulation provides that emotional support animals be considered a reasonable accommodation in housing facilities and that the animal may not be allowed in other areas of campus. In order for an emotional support animal (ESA) to be considered a reasonable accommodation, the following must be documented:

- 1) The individual qualifies as a person with a disability (i.e., has a physical or mental impairment that substantially limits one or more major life activities);
- 2) A relationship exists between the disability and the relief the animal provides.
- 3) The ESA is necessary to afford the individual with a disability (hereinafter may be referred to as the individual) an equal opportunity to use and enjoy residential living (i.e., that the animal would provide emotional support that ameliorates one or more symptoms or effects of the disability).

An ESA is not a pet. A pet is any animal kept for ordinary use and companionship. An ESA is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person's disability when it is necessary to afford the individual with a disability an equal opportunity to use and enjoy housing.

All requests will be evaluated on a case-by-case basis consistent with applicable laws. PSC is committed to ensuring that the needs of all people with disabilities are met and will determine how to resolve any conflicts or problems as expeditiously as possible.

Section II. Procedure for Requesting Housing Accommodations

The Center for Accommodative Services (CAS) is responsible for evaluating whether to grant or deny requests for accommodations in College housing. Individuals with a disability who reside or intend to reside in College housing who believe they need a housing accommodation must contact the CAS. In evaluating the request, the Director of the CAS will consult when necessary with the Directors of Health Services and Counseling and/or Coordinator of Residence Life to determine whether the requested accommodation is necessary and reasonable. Requests for accommodation in College housing policies and practices are governed by the following requirements:

1. Requesting a Housing Accommodation

- An individual with a disability must complete the “Disability Accommodation Request Form for College Housing” (the “Request Form”). Copies of the Request Form are available from the CAS.
- PSC will accept and consider requests for accommodations in College housing at any time. The individual making the request for accommodation should complete and provide the Request Form to the CAS as early as practicably possible before moving into College housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into College housing, PSC cannot guarantee that the College will be able to meet the individual’s accommodation needs during the first semester or term of occupancy.
- If the need for the accommodation arises when an individual already resides in College housing, he/she should contact the CAS and complete the Request Form 30 days prior to housing sign-up for the following semester. PSC cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.
- Absent exceptional circumstances, the College will attempt to provide a written response to accommodation requests within fourteen business days of receiving the information.

2. Providing Documentation of Disability and Need for Accommodation

The request for accommodations must include documentation from a licensed health professional (i.e. physician, psychologist, psychiatrist, social worker) who has provided treatment to the student for the disability. The documentation must include:

- Evidence of the disability and the DSM or medical diagnosis from a licensed professional related to the use of an ESA. This must include:
 - a) the dates of treatment and the date at which the diagnosis was first made;
 - b) the symptoms for which treatment was needed;
 - c) treatments other than use of an ESA that have been used for symptom reduction; and
 - d) the date on which the use of an ESA was prescribed.
- Evidence of the connection between the diagnosis/symptoms and use of the ESA.
- Evidence that the student will not be able to use and enjoy the residence hall or to participate in the services or programs if the ESA is not allowed.

3. Determining Whether the Accommodation Is Reasonable/Necessary

The CAS may deny the requested accommodation if it is unwarranted or unreasonable.

An accommodation is unreasonable if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters college housing policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including College property; and/or (4) is otherwise unreasonable to the operation of the College.

The individual making the request for accommodation must cooperate with the CAS in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

In processing requests for reasonable accommodations, the College will take all steps required by federal, state, and/or local law to protect the confidentiality of any information or documentation disclosed in connection with the requests.

Approval of Accommodation

- Absent exceptional circumstances, within fourteen (14) working days of receiving the documentation, the Director of CAS will determine if the accommodation is necessary because of a disability to provide the individual an equal opportunity to use and enjoy College housing.
- If the CAS determines a requested accommodation is warranted, it will contact the individual, in writing, within fourteen (14) business days of its determination, to arrange a meeting to discuss the implementation of the accommodation.

Denial of Accommodation/Appeal

- If the CAS determines a requested accommodation is not warranted, it will contact the individual, in writing, within fourteen (14) business days of its determination, to arrange a meeting to engage in an interactive process with the individual to determine if there are alternative accommodations that might effectively meet the individual's disability-related needs.
- If the individual is unwilling to accept an alternative accommodation offered by the CAS, within 14 business days of the individual's statement of their unwillingness to accept the offer, the CAS will provide a verbal and written explanation of the reasons for the denial, the right to appeal the decision, and the procedures for the appeals process.

4. Appeals Process

Any individual who wishes to challenge a decision reached by the CAS may use the grievance procedure provided under the Center for Accommodative Services dispute-resolution plan. This grievance procedure can be found at the web site

<http://www.paulsmiths.edu/accommodativeservices/handling-disputes/>